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PCT



MAIL STOP PCT  
Attorney Docket: 26773U

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Art Unit: Unknown

BUHR, et al.

Examiner: Unknown

Serial No.: 10/537,693

Filed: June 6, 2005

Internatl. Appl. No.: PCT/EP2003/014069

Internatl. Filing Date: December 11, 2003

Title: **4-SUBSTITUTED BENZIMIDAZOLES AND THEIR USE AS INHIBITORS OF GASTRIC SECRETION**

TRANSMITTAL LETTER

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Submitted herewith for filing in the U.S. Patent and Trademark Office is the following:


- (1) Transmittal Letter;
- (2) Information Disclosure Statement;
- (3) PTO Form 1449 with 6 cited References;
- (4) Copies of 3 of the 6 cited References.

The Commissioner is hereby authorized to charge any deficiency or credit any excess to Deposit Account No. 14-0112.

Respectfully submitted,  
**NATH & ASSOCIATES PLLC**

Date: September 9, 2005

By:

  
Gary M. Nath  
Reg. No. 26,965  
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GMN/SMM/le (NP.IDS)



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INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

An Information Disclosure Statement is submitted herewith pursuant to 37 C.F.R. 1.97-1.98. Please note the following particulars: [NOTE: One only of items a, b, c, and d must be checked.]

☒ a. The enclosed statement is being filed within three months of the filing date of a national application, or within three months of the date of entry into the national stage as set forth in 37 C.F.R. 1.491 in an international application, or before the mailing date of a first Office Action on the merits, whichever event occurs last.

☐ b. The enclosed statement is being filed after a first action on the merits but before the mailing date of a final action under 37 C.F.R. 1.113, or a notice of allowance under 37 C.F.R. 1.311.

The enclosed statement is accompanied by [check one]:

☐ i. a certification in part (e) below as specified in 37 C.F.R. 1.97(e), or

☐ ii. a check in the amount required by 37 C.F.R. 1.17(p).

☐ c. The enclosed statement is being filed after the mailing date of a final action under 37 C.F.R. 1.113, or a notice of allowance under 37 C.F.R. 1.311, but before payment of the issue fee.

☐ Certification report(e) below; and

☐ a check in the amount as required by 1.17(p).

[ ] d. The enclosed statement is being filed pursuant to 37 C.F.R. 1.97(i), for placement in the file.

[ ] e. Certification [Check one] [Certification is required only if box (b)(i) or box (c) is checked.]

[ ] I hereby certify that each item of information contained in the enclosed Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement,

or

[ ] I hereby certify that no item of information in the enclosed Information Disclosure Statement herewith was cited in a communication from a foreign patent office in a counterpart foreign application, or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

or

[ ] Appropriate certification is attached.

[XXX] f. If no check is enclosed and a fee is due in connection with this communication or if the check enclosed is insufficient, the Commissioner is authorized to charge any fee or additional fee due in connection with this communication to Deposit Account No. 14-0112.

[XXX] g. Copies of the documents are attached herewith with a completed Form PTO-1449.

or

[ ] Copies of the documents are not attached as allowed under CFR 1.98(d)(1)(2). The earlier application is identified as:

and/or

[XXX] Copies of US Patents/Publications not attached as allowed in Official Gazette Aug. 5, 2003/ Vol. 1273, no. 1.

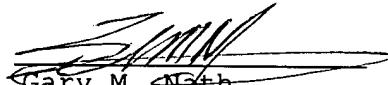
The Examiner is respectfully requested to cite the documents listed on the attached Form PTO-1449 in the next Office Action. In so doing, the Examiner is respectfully requested to initial in the space adjacent to the listing of each document on the Form PTO-1449, and return a copy of the initialed Form PTO-1449 with the next communication to Applicants, to confirm that these documents have been considered by the Examiner and made of record in this application.

If the Examiner has any questions or wishes to discuss this application, kindly telephone the undersigned at the below-listed number.

Respectfully submitted,  
**NATH & ASSOCIATES PLLC**

Date: September 9, 2005

By:

  
Gary M. Nath  
Reg. No. 26,965  
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<p style="text-align: center;"><b>FORM PTO-1449</b></p> <p style="text-align: center;"><b><u>INFORMATION DISCLOSURE CITATION</u></b></p>	<p>Attorney Docket: 26773U</p> <p>Group Art Unit: Unknown</p> <p>Serial No.: 10/537,693</p> <p>Internatl. Appl. No.: PCT/EP2003/014069</p>	<p>In re Application of: BUHR, et al.</p> <p>Examiner: Unknown</p> <p>Filed: June 6, 2005</p> <p>Internatl. Filing Date: December 11, 2003</p>
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**U.S. PATENT DOCUMENTS**

Examiner Initial	Document Number	Issued/Published Date	Name	Class	Sub-Class	Filed
A1	6,465,505 B1 (corresponds to WO 97/47603)	15 Oct. 2002	Amin et al.			17 Jul. 1997
A2	5,665,730 A (corresponds to WO 94/18199)	9 Sep. 1997	Senn-Bilfinger et al.			15 Aug. 1995
A3	5,106,862 A (corresponds to EP 0 266 326)	21 Apr. 1992	Briving et al.			12 Dec. 1990
A4						
A5						

**FOREIGN PATENT DOCUMENTS**

Document Number	Issued/Published Date	Country	Class	Sub-Class	Translation
A6 97/47603 A1	18 Dec. 1997	WO			N/A
A7 94/18199 A1	18 Aug. 1994	WO			Abstract
A8 0 266 326 B1	04 May 1988	EP			N/A
A9					
A10					
A11					
A12					
A13					
A14					

**OTHER (Including Author, Title, Date, Pertinent Pages, etc.)**

A15	
A16	
A17	
A18	

Examiner	Date Considered
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP ' 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.